

Application No. 09/651,127
Attorney's Docket No. 010315-089
Page 3

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

By the foregoing amendments, claim 5 has been cancelled and the subject matter of claim 5 has been incorporated into independent claim 1. In view of the fact that the amendment merely incorporates the subject matter of claim 5 into claim 1, the amendment does not raise any new issues and should be entered after final rejection.

Election

The Examiner alleges that the subject matter of claims 7-10 is drawn to a different invention from the subject matter of claims 1-6 and has therefore restricted the application. Specifically, the Examiner alleges that the article of claims 1-6 can be made from a different process, e.g., by forming the two layers separately, compressing the layers, and then crosslinking the layers together so that the layers are integrated. However, in view of the amendment to claim 1, the Examiner's arguments are no longer valid. Specifically, in the case of a foam of regenerated cellulose, there is not used any crosslinking step. Accordingly, the article cannot be made by the process identified by the Examiner, wherein the two layers are formed separately, compressed and then crosslinked together so that the layers are integrated.

It has been shown that it is not possible through the use of a crosslinking step to obtain a structure which in a dry condition is compressed and thin and which also has a pore size gradient. According to the process suggested by the Examiner, the layers must

Application No. 09/651,127
Attorney's Docket No. 010315-089
Page 4

be compressed before the structure is locked together by the crosslinking step. The compressing step requires that the pores are therefore squeezed together and there will be no significant difference in pore sizes in such a layer.

Accordingly, the Examiner is again respectfully requested to withdraw the restriction requirement and to examine claims 7-10 together with claims 1-6 and 11-16.

Priority:

The Examiner is thanked for acknowledging the Applicants' claim for foreign priority. A certified copy of the Swedish application will be filed in accordance with U.S. Patent and Trademark Office regulations.

Drawings:

In response to the objection to the drawings, a Request for Approval of Drawing Corrections is filed concurrently herewith. In the Request for Approval of Drawing Corrections, the proposed corrections remove the solid lines between the various layers to illustrate that there is no clear partitioning line between the layers. No new matter is entered by the proposed corrections because the specification has made it clear that there is no clear partitioning line between the layers. See, e.g., page 3, lines 16-19.

Art Rejections:

Claims 1-6 and 11-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,713,881, hereinafter Rezai, in view of U.S. Patent No. 5,728,083, hereinafter Cohen.

The Examiner alleges that Rezai discloses an absorbent structure that has multiple integrated layers, illustrated in Figures 1-6. The Examiner alleges that one layer 72 is

Application No. 09/651,127
Attorney's Docket No. 010315-089
Page 5

made of a cellulosic foam and another layer 71 which is a mixture of an absorbent foam such as rayon and a superabsorbent material. The Examiner recites column 11, lines 18-19, as support for the teaching that the layer 71 includes an absorbent foam.

However, a careful review of the Rezai document does not reveal any teaching that the macro structure layers 71 are made of absorbent foam. In fact, the section referred to by the Examiner at column 11, lines 18-19, specifically refers to fibers, including rayon. The remaining discussion of the macro structure layers 71 in Rezai reveals that the macro structure layers are comprised of interconnected absorbent gelling particles, and optionally comprising non-absorbent gelling materials such as non-absorbent gelling fibers. See column 7, lines 21-25 and column 11, lines 10-12.

Although Rezai discloses that the macro structure layer can optionally comprise cellulose foam particles mixed with the absorbent gelling particles, col. 11, lines 57-59, Rezai does not specifically teach or suggest that the macro structure layer itself is a foam layer. At best, the layer is made of absorbent gelling particles and includes some foam particles. In addition, Rezai discloses the inclusion of cellulose foam in a macro structure layer as one option. Rezai does not specifically teach the use of a cellulose foam macro structure layer in combination with a cellulose foam substrate such that there is a foam material comprising at least two integrated layers.

Thus, Rezai clearly does not teach or suggest a compressed foam material, wherein the foam material comprises at least two integrated layers.

The secondary reference, Cohen, does not teach or suggest an absorbent structure with two integrated foam layers. Accordingly, neither of the cited references, either alone,

Application No. 09/651,127
Attorney's Docket No. 010315-089
Page 6

or in combination, teach or suggest the combination of claim 1 which includes, among other elements, a film material comprising at least two integrated layers.

Accordingly, the present invention, as set forth in the pending claims is clearly patentable over the cited prior art.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: William C. Rowland
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: January 6, 2003

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax. No. (703) 872-9303 on January 6, 2003.

By: William C. Rowland
William C. Rowland
Registration No. 30,888

Date: January 6, 2003

Application No. 09/651,127
Attorney's Docket No. 010315-089
Page 1

Attachment to Amendment dated January 6, 2003

Marked-up Claim 1

1. (Twice Amended) An absorbent structure in an absorbent article, the absorbent structure comprising a compressed foam material which expands upon wetting, the foam material comprises at least two integrated layers having different mean pore sizes, wherein the layers partly penetrate into each other so that there is no clear partitioning line between the layers, wherein the foam material is regenerated cellulose.